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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,087	02/02/2004	Kenneth P. Hinckley	003797.00821	6556
28318	7590	08/10/2006	EXAMINER	
BANNER & WITCOFF LTD., ATTORNEYS FOR CLIENT NO. 003259 28 STATE STREET - 28TH FLOOR BOSTON, MA 02109			LAO, LUN YI	
		ART UNIT		PAPER NUMBER
				2629

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/768,087	HINCKLEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	LUN-YI LAO	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 5/24/3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 May 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 26,27,30-32,39 and 41-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 26,27,30-32,39 and 41-45 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/24/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claims 39 recites the limitation of “the un-rounded location and the rounded location” in claim 39. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26 –27 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable Holehan(6,043,809) in view of Bates et al(6,157,381).

As to claims 26-27 and 30-32, Holehan teaches a method comprising steps of determining a first location of a pointer(e.g finger) relative to a touch-sensitive surface; determining a first location in a document that corresponds to the first location of the pointer(e.g. finger); moving(scrolling) the document(see figures 1-2, 4-5; column 3, lines

21-55; column 4, lines 1-19 and lines 36-40; and column 6, lines 20-32); determining a second location(e.g. at the end of a scroll bar sensor) in a document that corresponds to the second location of the pointer(e.g. finger)(see figures 1-2 and column 4, lines 41-52).

Holehan et al fail to teach a method for determining a text line nearest the first location in the document and store the first location in the document after the second location in the document has be determined.

Bates et al teach a method for determining a first location in a document that corresponds to the first location of the pointer(e.g. a mouse cursor)(step 110 in figure 6)(see figures 3-6; column 6, lines 51-65 and column 10, lines 6-17); determining a text line nearest the first location(line) in the document(see figures 3-6; column 6, lines 52-58; column 8, lines 30-35 and column 10, lines 6-9); moving(scrolling) the document to the text line(see figures 3-6; column 6, lines 58-65 and column 10, lines 6-17); determining a second location in a document that corresponds to the second location(new position selected) of the pointer(e.g. mouse cursor)(see figures 3, 6, 14; column 7, lines 13-23 and column 14, lines 56-68); and continuing to store the first location in the document after the second location in the document has been determined(see figures 3-6, 14 and column 8, lines 29-39). It would have been obvious to have modified Holehan et al with the teaching of Bates et al, so as to provide variable mappings between a scroll bar and different portions of a document(see column 2, lines 20-24).

As to claim 27, Holehan teaches the location in the document compared a beginning point and end point of the document is proportional to the location of the pointer compared to a first end and a second end of the touch-sensitive surface(see figure 2 and column 4, lines 20-52).

As to claim 30, Holehan et al teach a touch-sensitive surface is a single continuous touch-sensitive surface(touch-screen or touchpad)(see figures 1-2, 4-5; column 1 lines 15-18 and column 4, lines 1-17).

As to claim 31, Holehan teach a proximity-sensitive surface, a pointer does not physically contact the touch-sensitive surface(capacitive touch pad sensor)(see figures 1-2; abstract; column 2, lines 33-39 and column 4, lines 1-40).

As to claim 32, Bates teach a computer readable medium(memory) storing computer executable instructions(see figures 2, 3-4 and 6-14).

4. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holehan in view of Bates and Hopper(4,495,490),

Holehan as modified fail to disclose rounded location.

Hopper et al teaches a method for storing computer instruction and the un-rounded location(cursor location 278) and un-rounded location(see step 425-426) and rounding location(see step 423, 427) defined using different units(see figures 1, 17.6, 18.7; column 3, lines 59-63; column 34, lines 3-9; and column 39, lines 2-17). It would have been obvious to have modified Holehan as modified with the teaching of Hopper et al, so as to maintain contextual reference and avoid to produce confusing image to a user(see column 3, lines 59-65).

5. Claim 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al(6,128,014) in view of Bates et al(6,157,381) and Hopper(4,495,490),

As to claims 41-43, Nakagawa et al teach a method comprising steps of: determining a location of a pointer(1) relative to a touch-sensitive surface(2)(see figure 4; column 5, lines 56-66 and column 6, lines 30-36); determining a first un-rounded location in a document based on the first location of the pointer(1); moving a document to a location in the document that corresponds to the location of the pointer(1) (see figures 1, 4-6; column 1, lines 54-68 and column 2, lines 1-15; column 5, lines 56-68; column 6, lines 1-36 and column 7, lines 1-53); determining a second location(now location) in the document based on both second location of the pointer(1) and the first un-rounded location(prev) in the document(see figure 6 and column 7, lines 16-46).

Nakagawa et al fail to disclose the steps of rounding the location in the document to a nearest text line.

Bates et al teach a method for moving(scrolling) document to a first text line or a second text line(document location represented as a line number in the document)(see figures 3, 6, 9, 14; column 6, lines 17-65; column 8, lines 30-39 and column 11, lines 42-51). It would have been obvious to have modified Nakagawa et al with the teaching of Bates et al, since to have a line number to define the location of a document is well known in the art and is more easy find out the location of a document.

Hopper et al teach a method for rounding the location in the document to a nearest line(e.g. one line sentence)(see figures 17.6, 18.7; column 3, lines 59-68; column 4, lines 1-17). It would have been obvious to have modified Nakagawa et al as

modified with the teaching of Hopper et al, so as to maintain contextual reference and avoid to produce confusing image to a user(see column 3, lines 59-65).

As to claims 42 and 43, Nakagawa et alas modified teach the step of determining the second location(now) in the document include determining an amount to scroll away from the first location(prev)(see figure 6 and column 7, lines 17-46).

6. Claims 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al(6,128,014) in view of Holehan(6,043,809) and of Bates et al.

See the discussion of Nakagawa et al above. Nakagawa et al fail to disclose determining a location in a document based on a gesture and a document location defined by a line number.

Holehan teaches a method for providing absolute scrolling of a document comprising the steps of : sensing a pointer(e.g finger) sliding along a touch-sensitive surface(122-124, 214 or 216); determining a location in a document based on a gesture(finger) is sliding and scrolling the document to a location in the document that corresponds to the location of the gesture(finger)(see figure 2; column 4, lines 20-52 and column 5, lines 12-16). It would have been obvious to have modified Nakagawa et al with the teaching of Holehan, so as to reduce the cost of a pen by using a finger as a pointer instead of pen.

Bates et al teach a method for moving(scrolling) document to a first text line or a second text line(document location represented as a line number in the document)(see figures 3, 6, 9, 14; column 6, lines 17-65; column 8, lines 30-39 and column 11, lines 42-51). It would have been obvious to have modified Nakagawa et al with the teaching

of Bates et al, since to have a line number to define the location of a document is well know in the art and is more easy find out the location of a document.

As to claim 45, Holehan teach the step of determining a second location(now) includes determining an amount to scroll away from the first location(prev) in the document(see figure 6 and column 7, lines 17-46).

***Response to Arguments***

7. Applicant's arguments with respect to claims 26-27, 30-32, 39 and 41-45 have been considered but are moot in view of the new ground(s) of rejection.

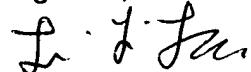
***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 7, 2006



Lun-yi Lao  
**Primary Examiner**